

CONGRESSIONAL RECORD SUMMARY

Wednesday, July 31, 2002

HOUSE

The House was not in session today.

Pursuant to the provisions of S. Con. Res. 132, the House stands adjourned for the Summer District Work Period until 2:00 p.m. on Wednesday, September 4, 2002.

SENATE

Incomplete record of Senate proceedings.

Today's Senate proceedings will be continued in the next issue of the Record.

Measures Reported:

H.R. 3892, to amend title 28, United States Code, to make certain modifications in the judicial discipline procedures, with an amendment in the nature of a substitute.

S. 2713, to amend title 28, United States Code, to make certain modifications in the judicial discipline procedures.

Page D 858, (See next issue.)

S. 812 - Greater Access to Affordable Pharmaceuticals Act:

By 78 yeas to 21 nays (Vote No. 201), Senate passed S. 812, to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals, after agreeing to the following amendment proposed thereto:

Pages S 7618-51, D 858

Reid (for Dorgan) Amendment No. 4299, to permit commercial importation of prescription drugs from Canada, as amended. (By unanimous consent, the pending cloture motion on the amendment was withdrawn.)

Pages S 7618-33, D 858

During consideration of this measure today, Senate also took the following actions:

By 49 yeas to 50 nays (Vote No. 199), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate failed to approve the motion to waive the Congressional Budget Act of 1974 with respect to **Graham Amendment No. 4345 (to Amendment No. 4299)**, to amend title XVIII of the Social Security Act to provide protection for all Medicare beneficiaries against the cost of prescription drugs. Subsequently, the point of order that the amendment violates section 302(f) of the Congressional Budget Act of 1974 was sustained, and the amendment thus fell.

Pages S 7618-33, D 858

By 66 yeas to 33 nays (Vote No. 200), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill.

Pages S 7633-34, D 858

H.R. 5010 - Department of Defense Appropriations Act:

Senate began consideration of H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, taking action on the following amendments proposed thereto:

Pages S 7656-S 7705, D 858, (continued next issue)

H.R. 5010 - Department of Defense Appropriations Act (Cont.):

Adopted:

Inouye (for Bennett) Amendment No. 4375, to set aside from amounts available from **H.R. 4775** to settle the taking of property adjacent to the Army Tooele Depot, Utah.

Pages S 7687-88, D 859

Stevens (for Roberts) Amendment No. 4407, to appropriate, with an offset, \$1,000,000 for research, analysis, and assessment of federal, state, and local efforts to counter potential agroterrorist attacks.

Pages S 7688-89, D 859

Inouye Amendment No. 4408, to make a technical correction to the supplemental appropriation for fiscal year 2002 (**H.R. 4775**).

Pages S 7688-89, D 859

Reid (for Wellstone) Amendment No. 4412 (to Amendment No. 4364), of a perfecting nature.

Pages S 7690-S 7700, D 860

Subsequently, the adoption of the amendment was vitiated and the amendment was withdrawn.

Pages S 7700, D 860

Wellstone Amendment No. 4447, to set aside Defense-wide operation and maintenance funds for review and mitigation of domestic violence involving Department of Defense personnel.

Page D 860, (See next issue.)

Byrd/Grassley Amendment No. 4448, to provide certain requirements and limitations regarding the use of government purchase charge cards and government travel charge cards by Department of Defense personnel.

Page D 861, (See next issue.)

Inouye (for Hollings) Amendment No. 4463, to require the transfer of administrative jurisdiction over the portion of former Charleston Naval Base, South Carolina, comprising a law enforcement training facility of the Department of Justice.

Page D 861, (See next issue.)

H.R. 5005 - Homeland Security Act:

Senate began consideration of the motion to proceed to consideration of H.R. 5005, to establish the Department of Homeland Security.

Page D 861, (See next issue.)

A motion was entered to close further debate on the motion to proceed to consideration of the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote may occur on Friday, August 2, 2002.

Page D 861, (See next issue.)

Subsequently, the motion to proceed was withdrawn.

Page D 862, (See next issue.)

H.R. 3009 - Andean Trade Promotion and Drug Eradication Act Agreement Conference Report:

A unanimous-consent-time agreement was reached providing for further consideration of the conference report on **H.R. 3009**, to extend the Andean Trade Preference Act, and to grant additional trade benefits under that Act, at 9:30 a.m., on Thursday, August 1, 2002, and that at 10:30 a.m., the Senate vote on the motion to close further debate on the conference report.

Pages S 7705, D 862

Nomination Confirmed:

Senate confirmed the following nomination:

By 64 yeas 35 nays (Vote No. 202), D. Brooks Smith, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

Pages S 7651-56, S 7706-08, D 862

Committee Meetings:

Committee on the Judiciary: *Committee ordered favorable reported the following business items: S. 2713, to amend title 28, United States Code, to make certain modifications in the judicial discipline procedures; H.R. 3892, to amend title 28, United States Code, to make certain modifications in the judicial discipline procedures, with an amendment in the nature of a substitute; and the nominations of Timothy J. Corrigan, to be United States District Judge for the Middle District of Florida, Jose E. Martinez, to be United States District Judge for the Southern District of Florida, Terrence F. McVerry, to be United States District Judge for the Western District of Pennsylvania, Arthur J. Schwab, to be United States District Judge for the Western District of Pennsylvania, and J.B. Van Hollen, of Wisconsin, to be United States Attorney for the Western District of Wisconsin, Charles E. Beach, Sr., to be United States Marshal for the Southern District of Iowa, Peter A. Lawrence, to be United States Marshal for the Western District of New York, Richard Vaughn Mecum, to be United States Marshal for the Northern District of Georgia, and Burton Stallwood, to be United States Marshal for the District of Rhode Island, all of the Department of Justice.*

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Committee on the Judiciary: *Committee held hearings to examine class action litigation issues, including the misuse of class actions to escape accountability, the expansion of federal courts' jurisdiction to hear class actions, and related provisions of S. 1712/H.R. 2341, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, receiving testimony from Lawrence H. Mirel, District of Columbia Department of Insurance and Securities Regulation, F. Paul Bland, Jr., Trial Lawyers for Public Justice, Walter E. Dellinger III, O'Melveny and Myers, and Thomas J. Henderson, Lawyers' Committee for Civil Rights Under Law, all of Washington, D.C.; Shaneen Wahl, Port Charlotte, Florida, on behalf of the Association of Trial Lawyers of America; and Hilda Bankston, Bankston Drug Store, Fayette, Mississippi. Hearings recessed subject to call.*

Pages D 865-66

Committee on the Judiciary: *Committee concluded hearings on S. 2619, to provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape.*

Select Committee on Intelligence: *Committee concluded hearings to examine S. 2586, to exclude United States persons from the definition of "foreign power" under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism, and S. 2659, to amend the Foreign Intelligence Surveillance Act of 1978 to modify the standard of proof for issuance of orders regarding non-United States persons from probable cause to reasonable suspicion.*

Pages D 866

Committee Meetings for Thursday, August 1, 2002:

Committee on Health, Education, Labor, and Pensions: @ 11:00 a.m. Business meeting to consider S. 2549, to ensure that child employees of traveling sales crews are protected under the *Fair Labor Standards Act of 1938*. SD-430.

Committee on the Judiciary: @ 2:00 p.m. *To hold hearings on pending judicial nominations.* SD-226.

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New Public Law

H.R. 3763, to protect investors by improving the accuracy and reliability of corporate disclosures made pursuant to the securities laws. Signed on July 30, 2002.

(Public Law 107-204).

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Next SENATE MEETING: Thursday, 9:30 a.m., August 1, 2002.

Next HOUSE MEETING: Wednesday, 2:00 p.m., September 4, 2002.

OLA: S. Schwarz, A. Santos